

Date October 22, 2007

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 6260 SE 19th Street from the "R1-80" One-Family Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification",

presented.

MOVED by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 6260 SE 19th Street from the "R1-80" One-Family Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 6260 SE 19th Street, more fully described as follows, from the "R1-80" One-Family Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lot 42, except that part of Lot 42 lying South of a line commencing on the West line of said Lot 42 at a point 30.8 feet North of the Southwest corner of said Lot 42, and extending to a point on the East line of said Lot 42 located 28.3 feet North of the Southeast corner of said Lot 42, now comprising a part of E. Army Post Road; Lot 43 except the South 28.23 feet; and Lot 44, all in New Hope, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

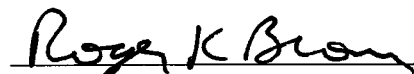
- A. The following uses of structures and land shall be prohibited upon the Property:
 - (1) Adult entertainment businesses;
 - (2) Vehicle display lots and used car sales lots;
 - (3) Taverns and nightclubs;

- (4) Off-premises advertising signs; and,
 - (5) Garages for general motor vehicle repair
- B. The following standards shall apply to any use of the Property for mini-warehouse use:
- (1) All storage unit building walls facing external to the site shall consist of a quality stone, masonry, or brick exterior material.
 - (2) No storage access doors shall be oriented toward a public street or any adjoining residential development.
 - (3) Fencing other than screen fencing along any public street shall be wrought iron or tubular metal construction coated black or a neutral tone, and should be broken up by masonry or stone pillars/columns that match the material on the storage buildings.
 - (4) The use of the Property shall be limited to mini-warehouse use and outside storage shall be prohibited.
- C. Provision of down-lit shielded lighting to avoid shining obtrusively onto adjoining properties.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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Prepared by: Roger K. Brown, Assistant City Attorney, 400 Robert Ray Dr., Des Moines, IA 50309
515/283-4541
Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309
Taxpayer: No change
Title of Document: Acceptance of Rezoning Ordinance
Grantor's Name: James J. Ellis and Jamie M. Ellis
Grantee's Name: City of Des Moines, Iowa
Legal Description:

Lot 42, except that part of Lot 42 lying South of a line commencing on the West line of said Lot 42 at a point 30.8 feet North of the Southwest corner of said Lot 42, and extending to a point on the East line of said Lot 42 located 28.3 feet North of the Southeast corner of said Lot 42, now comprising a part of E. Army Post Road; Lot 43 except the South 28.23 feet; and Lot 44, all in New Hope, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That we are the sole owners of the Property in the vicinity of 6260 SE 19th Street, more specifically described above.
2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R1-80" One-Family Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification, we agree and accept on behalf of the owners to the imposition of the following conditions to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance so rezoning the Property:
 - A. The following uses of structures and land shall be prohibited upon the Property:
 - (1) Adult entertainment businesses;
 - (2) Vehicle display lots and used car sales lots;

- (3) Taverns and nightclubs;
- (4) Off-premises advertising signs; and,
- (5) Garages for general motor vehicle repair

B. The following standards shall apply to any use of the Property for mini-warehouse use:

- (1) All storage unit building walls facing external to the site shall consist of a quality stone, masonry, or brick exterior material.
- (2) No storage access doors shall be oriented toward a public street or any adjoining residential development.
- (3) Fencing other than screen fencing along any public street shall be wrought iron or tubular metal construction coated black or a neutral tone, and should be broken up by masonry or stone pillars/columns that match the material on the storage buildings.
- (4) The use of the Property shall be limited to mini-warehouse use and outside storage shall be prohibited.

C. Provision of down-lit shielded lighting to avoid shining obtrusively onto adjoining properties.

3. A certified copy of the rezoning ordinance shall be attached hereto, and a certified copy of this document and the rezoning ordinance shall be recorded by the City in the land records of the County Recorder to memorialize the rezoning of the Property as identified above.

4. That in the event any portion of the Property is hereafter rezoned to a district classification different from Limited "C-2", then this Acceptance shall be immediately terminated as applied to the real estate so rezoned on the effective date of such rezoning, and the conditions agreed to herein shall be rendered null and void, provided, if there be any such rezoning to a more restricted zoning classification, any then legal actual use of such real estate shall become a legal non-conforming use.

The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

James J. Ellis

Jamie M. Ellis

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State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on October ____, 2007, by **James J. Ellis**.

Notary Public in the State of Iowa
My commission expires: _____

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on October ____, 2007, by **Jamie M. Ellis**.

Notary Public in the State of Iowa
My commission expires: _____